

PUBLIC

AI Index: MDE 13/018/2009

05 March 2009

UA 63/09 Fear of imminent execution

IRAN Abbas Hosseini (m), Afghan national, aged 24, juvenile offender

Afghan refugee Abbas Hosseini is in danger of execution for a murder committed when he was 17. His death sentence was upheld on 29 December 2008 by Branch 33 of the Supreme Court, and has now been sent to the head of the judiciary for final approval. The victim's family are refusing to pardon in exchange of payment of *diyeh* (blood money).

Iran is a state party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), both of which expressly prohibit the imposition of the death penalty for offences committed by persons below eighteen years of age.

Abbas Hosseini was sentenced to death in June 2004 by Branch 43 of the Public Court in Mashhad for a murder which he claimed to have committed "in a moment of insanity" after the victim attempted to rape him. On 30 September 2004, Branch 41 of the Supreme Court upheld the death sentence. Abbas Hosseini was due to be executed on 1 May 2005. He was granted a one-week stay of execution to give the victim's family another opportunity to accept payment of *diyeh*. However, the Head of the Judiciary ordered the local judiciary in Mashhad not to proceed with the execution, and Abbas Hosseini's case was sent for review. Branch 13 of the Supreme Court on 27 April 2008 did not confirm the verdict and sent the case for retrial on account of Abbas Hosseini's age at the time of the crime. Nonetheless he was sentenced to death once again on 5 August 2008 by Branch 103 of the Public Juvenile Court in Mashhad.

Abbas Hosseini was the subject of UA 87/05 (MDE 13/011/2005, 15 April 2005) and follow-ups.

BACKGROUND INFORMATION

Since 1990 Iran has executed at least 42 juvenile offenders, eight of them in 2008 and one on 21 January 2009.

In Iran a person convicted of murder has no right to seek pardon or commutation from the state, in violation of Article 6(4) of the ICCPR. The family of a murder victim have the right either to insist on execution, or to pardon the killer and receive financial compensation (*diyeh*). Under the Iranian law regulating "retribution in kind" (*qesas*), if one member of the victim's family refuses to pardon the convict, even if the other family members have received the appropriate amount of *diyeh*, the death sentence will be implemented.

For more information about executions of child offenders in Iran, please see: *Iran: The last executioner of children* (MDE 13/059/2007, June 2007), <http://web.amnesty.org/library/index/engmde130592007>

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Persian, Arabic, English or your own language:

- expressing concern that Abbas Hosseini is at risk of execution for a crime committed when he was under 18;
- calling on the authorities to commute his death sentence;
- reminding the authorities that Iran is a state party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), which prohibit the use of the death penalty against people convicted of crimes committed when they were under 18.

APPEALS TO:

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahroudi
Howzeh Riyasat-e Qoveh Qazaiyeh (Office of the Head of the Judiciary)
Pasteur St., Vali Asr Ave., south of Serah-e Jomhuri
Tehran 1316814737, Islamic Republic of Iran

Email: shahroudi@dadgostary-tehran.ir (In the subject line write: FAO Ayatollah Shahroudi)

Salutation: Your Excellency

COPIES TO:

Leader of the Islamic Republic

Ayatollah Sayed 'Ali Khamenei
The Office of the Supreme Leader
End of Shahid Keshvar Doust Street
Islamic Republic Street
Tehran, Islamic Republic of Iran

Email: info_leader@leader.ir

via website: <http://www.leader.ir/langs/en/index.php?p=letter> (English)

<http://www.leader.ir/langs/fa/index.php?p=letter> (Persian)

Salutation: Your Excellency

Director, Human Rights Headquarters of Iran

Howzeh Riyasat-e Qoveh Qazaiyeh (Office of the Head of the Judiciary)
Pasteur St., Vali Asr Ave., south of Serah-e Jomhuri
Tehran 1316814737, Islamic Republic of Iran

Fax: +98 21 3390 4986 (please keep trying)

Email: int_aff@judiciary.ir (In the subject line: FAO Director, Human Rights Headquarters)

Salutation: Dear Sir

and to diplomatic representatives of Iran accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 April 2009.